



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/610,802	07/06/2000	Jonathan L. Zittrain	108087-119	4873

7590

08/10/2005

Michael A Diener
Hale and Dorr LLP
60 State Street
Boston, MA 02109

EXAMINER

HU, JINSONG

ART UNIT	PAPER NUMBER
----------	--------------

2154

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/610,802

Applicant(s)

ZITTRAIN ET AL.

Examiner

Jinsong Hu

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-7 and 18-20 is/are allowed.
- 6) ☒ Claim(s) 8-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-20 are presented for examination. Claims 1, 4-5, 7-8 and 11 have been amended. Claims 20-21 are newly added claims.

2. Claims 8-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The following terms lack proper antecedent basis:

i. As per claim 8, line 8, "the message".

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginn (US 6,052,732) in view of Ceretta et al. (US 6,370,355).

5. As per claim 8-9, 13 and 17, Ginn teaches the invention substantially as claimed including a system for organizing a dialogue of messages between a moderator and a

Art Unit: 2154

number of participants in communication over a network [col. 1, lines 18-20; col. 2, lines 36-37] comprising:

a select audience module for grouping at least some of the participants into groups [Fig. 12; col. 9, lines 27-41];

a question module for providing the participants a question solicits an answer [95, Fig. 12; col. 9, lines 14-16; i.e., solicits user's decision];

receiving from each of one or more sending participants an answer in response to the question, sending each of one or more of the answer to one or more receiving participants with whom the sender of the message is grouped into one of a plurality of groups [78, Fig. 11; col. 9, lines 10-12].

6. Ginn does not specifically teach the step of receiving from each of one or more of the receiving participants a follow-up message in response to answer they received.

7. However, Ceretta on the other hand teaches the step of receiving from each of one or more of the receiving participants a follow-up message in response to answer they received [col. 17, lines 31-36]. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a follow-up message receiving step in Ginn's system because doing so would benefits the participants by provide them an opportunity to raise any issue regarding the first-round message. One of ordinary skill in the art would have been motivated to modify Ginn's system with the receiving follow-up message step to improve the integrity of the system.

Art Unit: 2154

8. Ginn does not the question is provided by a moderator and the answer is being sent to user automatically. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to including a moderator in Ginn's system and send message to user automatically because doing so would improve the flexibility of group procedure by allowing a moderator select a relevant question and increase the efficiency by sending message to the user automatically. One of ordinary skill in the art would have been motivated to modify Ginn's system wo improve the performance of the entire system.

9. As per claims 10 and 12, Ginn teaches the groups are based on the registration information entered by participants [col. 3, lines 1-4; col. 6, lines 46-47].

10. As per claim 11, Ginn teaches the step of creating the group based upon the answer response to the question [95, Fig. 12]

11. As per claims 14-16, Ginn teaches the messages can be sent, post and archived [col. 5, lines 33-59].

Allowable Subject Matter

12. Claims 1-7 and 18-20 are allowed.

Art Unit: 2154

Conclusion

13. Applicant's arguments with respect to claim 1-20 have been considered but are moot in view of the new ground(s) of rejection.

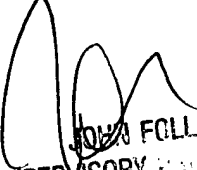
14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (571) 272-3965. The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jinsong Hu

August 4, 2005


JOHN FOLLANSBEE
SUPERVISORY EXAMINER
TECHNOLOGY CENTER 2100